IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 15139 of 2004(B)

PETITIONER:

SMT.LALITHA SUBRAMANIAN, W/O.SUBRAMANIAN
KUNJILIKKATTIL HOUSE, NEAR KIZHUTHANI MANAPADI,
P.O. THANISSERY, THRISSUR DISTRICT.

BY ADV. SRI.P.V.BABY.

RESPONDENTS:
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1. **AIR FORCE RECORD OFFICE,**
   SUBROTO PARK, NEW DELHI-110 010.

2. **CHIEF CONTROLLER OF DEFENCE ACCOUNTS**
   (PENSION), ALLAHABAD.

3. **GOVERNMENT OF INDIA,**
   REPRESENTED BY ITS SECRETARY TO MINISTRY OF
   DEFENCE DEPARTMENT, NEW DELHI.

BY ADV. SRI.S.PRASANTH, ADDL.CGSC,
ADV. SRI.S.KRISHNAMOORTHY, ADDL.CGSC,
BY ADV. SRI.P.R.RADHAKRISHNAN, CGC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.15139/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P.1: COPY OF THE COMMUNICATION DTD. 31/07/1998 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE COMMUNICATION DTD. 28/08/1998 SENT BY THE PETITIONER'S HUSBAND TO THE R.1.

EXT.P.3: COPY OF THE COMMUNICATION DTD. 08/09/1998 ISSUED BY THE R.1.

EXT.P.4: COPY OF THE INTIMATION DTD. 28/09/1998 SENT BY THE HUSBAND OF THE PETITIONER TO THE R.1.

EXT.P.5: COPY OF THE ORDER DTD. 04/08/1999 ISSUED BY THE R.1.

EXT.P.6: COPY OF THE APPEAL SUBMITTED BY THE PETITIONER BEFORE THE R.1. DTD. 17/11/1999.

EXT.P.7: COPY OF THE ORDER DTD. 09/03/2001 OF THE R.3.

EXT.P.8: COPY OF THE JUDGMENT DTD. 12/11/2003 IN W.P.(C). NO. 35562/2003 OF THIS HONOURABLE COURT.

EXT.P.9: COPY OF THE ORDER DTD. 15/12/2003 OF THE R.1.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

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W.P.(C)NO.15139 OF 2004

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Dated this the 28th day of March 2007

JUDGMENT

Writ petition is filed with the following prayers:

i) issue a writ of certiorari or other appropriate writ, order or direction, call for the records leading to Exts.P5, P7 and P9 and quash the same in so far as it directs to forward the affidavit of the petitioner as well as the husband showing the income both together will not exceeds Rs.2,550/- per month;

ii) declare that the petitioner is eligible to get family pension on account of the death of her son after rendering 9 years and 10 months service in the Indian Air Force as Corporal (CPL)

iii) direct the respondents to grant family pension to the petitioner as requested by her in Ext.P2 application.

2. It is stated in the counter affidavit that the son of the petitioner committed suicide by hanging and hence the death is not attributable to the Air Force Service. Learned counsel appearing for respondent submits that the air force cannot waive the conditions prescribed by the Government of India and in case the petitioner has any grievance, it is for the petitioner to approach the Government.

3. In the event of the petitioner approaching the 3rd respondent within a period of two months from today, the matter will be considered by the third respondent and appropriate orders will be passed within another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

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